

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JACK BIZELIA, et al.,

Plaintiffs,

-against-

CLINTON TOWERS MANAGEMENT, et al.,

Defendants.  
-----X

20-CV-8065 (JPC) (OTW)

AMENDED / OTW

ORDER FOR APPEARANCE OF PRO BONO  
COUNSEL

**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of *pro bono* Defense counsel's motion for appointment of counsel on behalf of Defendants. (ECF 156). Because appointment of counsel is necessary to effectively litigate this case, Defendants' motion is **GRANTED**.

As detailed in my November 29, 2023, Opinion and Order (ECF 145), Plaintiffs filed this action, *pro se*,<sup>1</sup> on September 29, 2020. (ECF 2). Defendants appeared, represented by counsel Rivkin Radler LLP, by filing their answer on March 23, 2021. (ECF 20). Plaintiffs filed an amended complaint on October 26, 2021 (ECF 44), which Defendants answered on June 22, 2022. (ECF 57). On September 21, 2023, the Court held a status conference regarding Defense counsel's motion to withdraw. (See ECF Nos. 130 and 131). Ultimately, I granted Defense counsel's motion to withdraw as counsel on October 18, 2023, and stayed all proceedings for 30 days to allow time for Defendants to seek alternative or *pro bono* counsel. (ECF 138).

<sup>1</sup> Plaintiffs' *pro bono* counsel, Quinn Emanuel Urquhart & Sullivan LLP ("Quinn Emanuel"), filed a notice of limited appearance on May 18, 2023. (ECF 90).

On November 21, 2023, Michelle Piantadosi, an attorney employee of Defendants, filed a notice of appearance as *pro bono* counsel for Defendants. (ECF 144). The Court held a status conference on February 8, 2024 (ECF 153), after Ms. Piantadosi filed a letter motion stating she was unable to work through discovery with Quinn Emanuel. (ECF 152). At the conference, Ms. Piantadosi expressed concern about her ability to litigate this case, and the Court directed her to file her motion for appointment of counsel and any other motions for relief by February 16, 2024. (ECF 155). Ms. Piantadosi filed her motion on February 14, 2024. (ECF 156).

Under the Court's Standing Order regarding the Creation and Administration of the Pro Bono Fund (16-MC-0078), *pro bono* counsel may apply to the Court for reimbursement of certain out-of-pocket expenses spent in furtherance of Defendants' case. The Pro Bono Fund is especially intended for attorneys for whom *pro bono* service poses a financial hardship. See Southern District of New York, Forms, <https://nysd.uscourts.gov/forms/pro-bono-fund-order>.

Courts do not draw from a pot of funds to compensate counsel and instead rely on volunteer attorneys. *Labombard v. City of New York*, 2023 WL 317327, at \*3 (S.D.N.Y. Jan. 18, 2023). Due to a scarcity of volunteer attorneys, a lengthy period of time may pass before counsel volunteers to represent Defendants. If an attorney volunteers, they will contact Defendants directly to determine if Defendants desire to move forward with representation. There is no requirement on the part of Defendants to retain any counsel who has volunteered. By the same token, however, there is no guarantee that a volunteer attorney will decide to take the case, even if an attorney agrees to contact Defendants for the purpose of discussing potential representation and ultimately declines to represent Defendants. See, e.g., *Brown v. Longe*, 2023 WL 4548635, at \*2 (S.D.N.Y. July 14, 2023). Accordingly, Defendants should be

Ms. Prantadosi, who has a legal degree,  
(but is not a litigator, and who has  
prepared to proceed with the case without an attorney. *Assure Global, LLC v. Anderson*, 2023  
WL 6541774, at \*2 (S.D.N.Y. Sept. 11, 2023).

The Clerk of Court is respectfully directed to attempt to locate a *pro bono* attorney to  
represent Defendants in this case. The Clerk of Court is further directed to close ECF 156.

**SO ORDERED.**

March 12,  
Dated: February 26, 2024  
New York, NY

s/ Ona T. Wang

Ona T. Wang  
United States Magistrate Judge

expressed concerns about  
her ability to represent  
Defendant(s). See <sup>n</sup> 156.  
ECF

So ordered.

  
March 12, 2024